

# **MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE BRISTOL COUNTY WATER AUTHORITY**

**Wednesday, April 13, 2011**

**450 Child Street, Warren Office, Warren, RI**

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**Pursuant to proper notice, the regular meeting of the Board of Directors of the Bristol County Water Authority was called to order by Chairman Jannitto at 6:00 pm, 450 Child Street, Warren Office, Warren, Rhode Island. Executive Director Pasquale DeLise and the following Directors were in attendance at the commencement of the meeting:**

**David Dugan, William Gosselin, John Jannitto, Allan Klepper, John McElroy, Lloyd Matsumoto, Frank Sylvia**

**Directors Absent: Frank Nencka, Joseph Rego**

## **HOUSEKEEPING**

**Minutes of the following meeting were reviewed.**

**Upon a motion duly made and seconded, it was unanimously**

**VOTED: That the minutes of the Board Meeting of March 9, 2011, be**

**approved.**

## **AUDIT FINANCE**

**Director Sylvia reported:**

### **Old Business**

- 1. Meter Replacement Program Update, program is ongoing.**
- 2. Legal Costs Update, Committee stressed that legal invoices should be kept at a minimum.**
- 3. Rate Structure Revisited, The Chair recognized Manager of Accounting and MIS Mr. Webster Goodwin who stated that with the current budgets it is going to be very tight in making the BCWA debt service ratio. This could present a financial problem for next year.**
- 4. Water Allocation Regulations, Executive Director DeLise stated that he had attended several meetings but final regulations have not yet been decided.**

**Director Sylvia questioned if these new regulations would impact our revenue.**

**Director Klepper stated that it would put restrictions on the amount of water used by our customers.**

**Executive Director DeLise stated that restrictions will be put in place**

for conservation, efficient use of water and that there would also be seasonal rates put in place. These restrictions will be controlled by RIWRB.

## **New Business**

1. 2011 O&M Budget Deficit, Committee recommends approval. Executive Director Stated that historically Providence Water has increased its rates by 12% every other year except for last year. Upon a motion duly made by Director Klepper and seconded by Director Dugan, it was

**VOTED:** To transfer the sum of \$120,000 from the Revenue Fund to the Operations and Maintenance Account to cover a deficit caused mainly by a 9.9% Providence Water rate increase on April 27, 2010 which was not budgeted for.

**Motion passed unanimously.**

## **Engineering**

**Director McElroy reported:**

## **Old Business**

1. Water Treatment Plant Project Update, Executive Director DeLise stated that a meeting was held on 3/21/11 and the WTP & Shad Pipeline were addressed by the RIWRB. Issues were raised by private parties.

- 2. Serpentine road Drainage Project Update, No news at this time.**
- 3. Construction Progress Reports, item to be deleted from agenda.**
- 4. East Providence Emergency Pump Station – Water Supply During Emergencies, Executive Director DeLise stated that this additional emergency connection will benefit both BCWA and East Providence. BCWA can receive 3 MGD from East Providence through gravity at the existing connection on Pawtucket Avenue. East Providence is planning to shut down their connection to Providence to inspect their pipes, they will be getting their water from BCWA's East Bay Pipeline.**
- 5. Anawan Reservoir Spillway – Miscellaneous Damage Due to Heavy Rain the Week of March 29, 2010, Executive Director DeLise stated that this work will be done in the next few months. All requested/required documents submitted to FEMA.**

#### **New Business**

- 1. Annual Paving Contract – Contract Award, Committee recommends approval as presented. Upon a motion made by Director McElroy and seconded by Director Klepper it was**

**VOTED: To award low bidder, International Paving of Pawtucket, RI, at a price of \$123,125, as presented.**

**Motion passed unanimously.**

**2. Annual Stock “E” Purchase – Contract Award, Committee recommends approval as presented. Upon a motion made by Director McElroy and seconded by Director Gosselin it was**

**VOTED: To award low bidders as follows:**

**a) Pipe & Fittings: Vellano Brothers, Inc.**

**b) Valves, Tapping Sleeves & Valve, Valve Boxes & Accessories:  
E.J. Prescott, Inc.**

**c) Water Main Repair Materials: TiSales, Inc.**

**d) Fire Hydrants: E.J. Prescott, Inc.**

**e) Water Service Construction Materials: Stiles, Inc.**

**Motion passed unanimously.**

**3. BCWA Master Plan Progress Report, This item discussed under Old Business, Item 1.**

**4. Water Supply system Management Plan (for Information Only), RIWRB has notified BCWA that the first review of BCWA WSSMP has resulted in a rating of “excellent”.**

**Director Sylvia stated that an outstanding effort put forward by Staff.**

**PUBLIC RELATIONS/PERSONNEL COMMITTEE**

**Director Gosselin reported:**

**Old Business**

**1. Recent Tri-Town Meeting Concerning BCWA Operational Review, A Tri-Town meeting is tentatively scheduled for Tuesday April 26, 2011 at 7:00 pm at Bristol Town Hall.**

**2. Staff Employee Salary Review, Consensus is that Executive Director recommend salary adjustments.**

**Director Klepper stated that the amount should be approved, the Board should not delay in dealing with Staff salary adjustments.**

**3. BCWA Website, Engineering Technician Ms. Susan Andrade stated that the website was update with the requested changes.**

**Presentation will be made to the Board at May meeting.**

**Chairman Jannitto left the meeting at 6:45 pm.**

**At this time Director McElroy, Board of Directors Secretary took over the meeting.**

**4. RI State Science Fair (for Information Only), Science Fair was held at Community College of RI on Saturday, March 26, 2011.**

**New Business**

**1. PUC Matters, Executive Director DeLise stated that Bill H5265 had**

been pulled temporarily but a motion is needed to document Board position on PUC. Upon a motion duly made by Director Gosselin and seconded by Director Klepper it was

**VOTED:** The Board of Directors of the Bristol County Water Authority opposes House Bill 5265 (H-5265), or any such legislation, because H-5265, which states that rates, fees and charges of the Bristol County Water Authority be subject to the jurisdiction of the Public Utilities Commission, is not in the best interest of the Authority and its customers and further that our Chairman of the Board and/or Executive Director are authorized to testify to that effect.

Executive Director DeLise stated that BCWA will not meet Bond covenants if BCWA goes under the PUC. Bond covenants state that BCWA can set and raise rates.

Director Klepper stated that this motion is our position because we would be in violation if we were under PUC.

Motion passed unanimously.

2. Review of Legal Services (Possible Executive Session), upon a motion duly made and seconded it was

**MOTION:**

1) The Board ratifies and confirms the appointment of Sandra

**Matrone Mack of the firm Cameron & Mittleman as General Counsel of the Bristol County Water Authority as of January 1, 2011.**

**2) A policy will be written concerning legal services.**

**3) To substantiate and approve payment for legal expenditures incurred by the Chairman of the Board, it is sufficient that the Chairman put his initials next to the corresponding line items.**

**4) Upon the Executive Director's request, appointments of other attorneys to work on BCWA legal matters will be decided by General Counsel.**

**5) Policy, procedure, etc. (re: Directors Matsumoto and Gosselin letters dated 3/17/11 and 2/13/11) will be addressed in item 2 above.**

**Executive Director DeLise stated that a draft policy will be written by Ms. Mack.**

**Director Matsumoto stated that this was not the process that was agreed to in the sub committee meeting. This needs further discussion at the next sub committee meeting. Just item 1 of the motion was agreed upon. We cannot vote until we see a policy.**

**The chair recognized Mr. Hewitt who asked if their was a letter of understanding for the legal billing rates. Is work that is done by associates being billed by a partner?**

**Director Sylvia stated that all billed hours are checked.**



**The Chair recognized Local 359 Union President, Mr. Brian Mellor who stated that when the Authority started legal counsel was Gordon Carpenter, then Steve Carlotti, not Ms. Mack.**

**BCWA should not have to go through Ms. Mack if they want to use another attorney. BCWA is paying double. Ms. Mack's rate now is \$375 per hour.**

**Mr. Hewitt stated that \$375 was a high amount.**

**Director Klepper stated that BCWA has received fine representation with Hinckley Allen & Snyder.**

**Mr. Mellor stated that the Executive Director needed legal counsel Mr. Joseph Whalen, it's costing the Authority more money now going through Ms. Mack first. BCWA should check with other attorney's.**

**Director Gosselin stated that we pay legal counsel for their expertise, they are reliable and dependable.**

**Director Gosselin amended the motion which was duly seconded by Director Sylvia**

**MOTION: The Board ratifies and confirms the appointment of Sandra Matrone Mack of the firm Cameron & Mittleman as General Counsel of the Bristol County Water Authority as of January 1, 2011.**

**Motion passed unanimously.**

**Executive Director DeLise stated that a draft legal policy will be presented at the sub committee meeting in May.**

### **NEXT STEPS**

- 1. Audit Finance Committee Meeting, Wednesday, May 18, 2011, 5:15 p.m., Warren Office, Boardroom, 450 Child Street.**
- 2. Engineering Committee Meeting, Wednesday, May 18, 2011, 5:20 p.m., Warren Office, Boardroom, 450 Child Street.**
- 3. Personnel/Retirement Committee Meeting, Wednesday May 18, 2011, 5:25 p.m., Warren Office, Boardroom, 450 Child Street.**
- 4. Board of Directors Annual Meeting, Thursday, May 26, 2011, 6:00 p.m., Barrington Town Hall, Council Chambers, 283 County Road.**
- 5. Board of Directors Monthly Meeting, Thursday, May 26, 2011, 6:30 p.m., Barrington Town Hall, Council Chambers, 283 County Road.**

**The Secretary made the following motion, which was duly seconded**

**MOTION: To accept the dates for the May meetings.**

**Motion passed unanimously.**

**The Secretary made the following motion, which was duly seconded**

**MOTION: To adjourn the meeting.**

**Motion passed unanimously.**

**There being no further business, the meeting was adjourned at 7:05 pm.**

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**John L. McElroy, Jr.**

**Secretary**